

Approved

**TOWN OF WESTFORD**  
**BOARD OF SELECTMEN**  
**MINUTES**

**Date:** April 23, 2002

**TIME:** 7:30 P.M.

**PLACE:** J.V. Fletcher Library

**PRESENT:** Robert Jefferies, Dini Healy-Coffin, Elaine McKenna,  
Robert McCusker, Chris Romeo

**Open Forum**

Robert Welch, Police Chief, recognized Officer Steve Keines and Officer Dan O'Donnell for their distinguished service in the line of duty involving an incident with a suicidal man on November 17, 2001. Welch also presented Medals of Honor to Lt. Detective Joe Shields and Detective Ken Delaney for their outstanding service in the line of duty in rescuing an elderly man being assaulted on February 13, 2002.

Mary Caless, 70 Beaver Brook Road, suggested that the Board set goals before beginning the budget process. Caless stated that the School Department is looking at the Board for direction regarding the budget. Caless also suggested that the Board set up a screening committee for new jobs coming up. Caless felt that the Town should not be hiring for positions that the Town can do without. Caless recommended that the Planning Board meetings be televised on the local cable television station. Ledoux noted that the School Department makes up 68% of the budget. Ledoux also noted that there has been a hiring freeze in place since February, 2002. Jefferies stated that the Board has been doing its best regarding projections but the State is continuing to cut local aid.

**Town Facts**

Jefferies reported that the School Department will not be installing sod on the athletic fields at the new middle school. That request had been removed at

Town Meeting. The request was not reduced because the additional costs were not known to mechanically seed the fields. The bids came in at \$700,000 under estimate.

Jefferies reported that the Assistant Town Manager's salary range was set by Town Meeting in November 2000. All department head salaries were adjusted with the exception of the Assistant Town Manager and the Assessor retroactive to July 1, 2000. The Assistant Town Manager salary was adjusted effective July 1, 2001 to \$70,000. The Assistant Town Manager received an annual increase in November, 2001 for a total current salary of \$72,800.

Jefferies reported that Westford will be borrowing short-term notes. The Town's bond rating has been increased by Moody's to Aa3 from A1. Jefferies commended Ledoux and Suzanne Marchand, Finance Director, and the Finance Committee for their work in increasing the bond rating. Marchand stated that the Town will be going out to bid to borrow \$52 million on May 1, 2002. McCusker was concerned with the financial impacts in FY04.

### **Public Hearings**

**Street Acceptance and Layout Public Way: April Lane, May Road, Lanes End - Article 44** - Chelgren reported that the Planning Board is working with the developer and the neighbors regarding outstanding items. Some of the issues remain unresolved. The Planning Board continued its public hearing to May 6, 2002. Chelgren stated that with the Planning Board taking a position on May 6<sup>th</sup>, it does not give the Selectmen time to layout the road. Chelgren reported that the Planning Board will continue to work with the developer and reduce the bond until all issues are resolved. Chelgren recommended addressing this matter at Fall Town Meeting. The Board concurred.

**Street Discontinuance – Old Concord Road – Article 43** – Chelgren reported that this matter is still pending before the Planning Board and will be addressed on May 6<sup>th</sup>. Chelgren further reported that the Highway Superintendent would like to expand the scope of the discontinuance to include the portion in front of 138 Concord Road. If discontinued, the Highway Department will no longer plow that section of roadway. Paul Berry, 138 Concord Road, stated that he did not want the portion of land from the discontinuance. McKenna felt that Berry should not be responsible for what happens to the road. Leslie Thomas, 8A Old Colony Drive, stated that the Town should be looking at the results of discontinuing land because this discontinuance would provide Berry with frontage from May Lane and Old Concord Road allowing for Berry to subdivide the property into 2 lots. Berry reiterated that he did not want the land. It was moved by McKenna, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to not support Article 43.

### **Continued Discussion – Pacella Quarry Operations**

Ledoux referenced a memorandum from Chelgren regarding the history of the Pacella site. John Gannon, Town Counsel, was present for the discussion.

Romeo recommended that the Board discuss this matter in Executive Session due to the contemplated legal action. The Board concurred. Jefferies announced that the Board would hold an Executive Session at the end of the meeting.

### **Presentation by Police Chief of Traffic Management Plan**

Robert Welch, Police Chief, presented a revised Traffic Management Plan to the Board. Healy-Coffin reported that several neighbors from Patten Road have expressed concerns regarding drivers violating the one-way restriction and speeding on Patten Road. Healy-Coffin suggested a traffic calming device such as the type used in the City of Cambridge. Welch stated that he does not have the personnel for daily patrols in that area. Welch also noted that the fine for violating a one-way restriction is only \$5.00. It was moved by Romeo, seconded by McCusker, and VOTED UNANIMOUSLY, to support the Traffic Management Plan. McCusker asked that the Traffic Committee present a report to the Board in the future.

### **Presentation by Police Chief of Revised Police Department Rules & Regulations**

McCusker recused himself as his brother is a Westford Police Officer. Robert Welch, Police Chief, presented the updated Rules and Regulations which replaces the 1975 version. Welch stated that he would like to implement this document on May 1<sup>st</sup>. Healy-Coffin asked to continue this matter until she had an opportunity to read the rules and regulations. Healy-Coffin asked for a copy of the old book in order to compare the changes. Healy-Coffin discussed with Welch the section that states that male officers are not allowed to wear earrings while off duty. Healy-Coffin felt that male officers should be allowed to wear earrings while not on duty. Welch was not in favor of removing that portion of the rules and regulations. Welch stated that the Union did not oppose that regulation. Welch asked that any other comments be provided to him as soon as possible. It was moved by Healy-Coffin, seconded by McKenna, and VOTED 2 IN FAVOR with 1 OPPOSED (Romeo) and 2 ABSTAINING (Jefferies, McCusker), to remove the restriction of off-duty earrings for male police officers. Continued to April 30, 2002 at 7:30 p.m.

### **Selectmen to Continue Taking Positions on Annual Town Meeting Warrant Articles**

#### **Article 27: Tax Relief for Long Time Residents of Westford/By Petition**

Romeo asked the Board to reconsider the vote recently taken by the Board which supported Article 27 with 4 in favor and Romeo opposed. It was moved by Healy-Coffin, seconded by McKenna, and VOTED 4 IN FAVOR with 1 ABSTAINING (Romeo), to reconsider the vote. Romeo stated that he wanted to change his vote in order to have unanimous support. Romeo stated that he still had a problem with the petition because it does not specify income levels and that the Town did not have the authority to enact this but rather a legislative action was needed. Romeo also felt that the petition makes a political statement. It was

moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to support Article 27.

Special Town Meeting Warrant Article re: Elected Town Clerk/By Petition

George Fletcher, petitioner, was present. Jefferies stated that the petition did not provide a time frame. It was Fletcher's understanding that if passed at Town Meeting, it would go before the legislature then the Town could hold a special election, vote at the Fall election or carry over to the May annual election. Jefferies also noted that there was no mechanism for setting the salary. Fletcher suggested setting the salary at the next Annual Town Meeting as part of the budget process or keep the current salary. Ledoux stated that he is waiting for an opinion from Town Counsel regarding whether the charter can be changed by Town Meeting vote or a ballot vote. Ellen Harde, Town Moderator, believed that when this was done with the Board of Assessors in 1990, it did not go before the legislature. Town Meeting made the change of the Assessors from being elected to being appointed. Harde stated that she would check the prior Town Reports. Valeria Wormell, 25 Vose Hill Road, read a statement from the League of Women Voters urging the Board to oppose the petition. It was the position of the League that there is a need for administrative positions to be appointed and that the Town Clerk's position should remain as appointed. Leslie Thomas, 8A Old Colony Drive, asked if the petition called for the Town Clerk to be a resident. Fletcher stated that petition calls for an elected Town Clerk and to be a resident of Westford. Romeo stated that the first thing he looks for in a Town Clerk is competency and the second priority would be residency. Romeo felt that the current Town Clerk was doing an excellent job. Romeo stated that he wanted to pick candidates from the largest pool of applications. Fletcher stated that the petition was not personal, but that 290 Massachusetts communities out of 313 elect their Town Clerks. Fletcher agreed that competency is important. Fletcher stated that Westford was losing its sense of community and that many of the Town Hall employees are not residents. McCusker supported the petition because he felt it was a democratic issue that we should vote for the people who represent us. McCusker stated that he fully supports any election process. McCusker agreed that the Town Clerk is very competent. McKenna stated that she had a problem with the petition because the Town hired the Town Clerk in October and she accepted the job in good faith. McKenna felt that it was unfair to the Town Clerk. Healy-Coffin stated that she did not support the petition. Healy-Coffin noted that the Town has grown and changed and technology and knowledge have changed. Healy-Coffin stated that the job required the most qualified person. Jefferies stated that he was opposed to the petition because the Town is having difficulty getting people to run for office. Jefferies did not want to risk an important position. Jefferies agreed with the League of Women Voters that the position be appointed. It was moved by Romeo, seconded by Healy-Coffin, and VOTED 4 IN FAVOR with 1 OPPOSED (McCusker), to not support the Special Town Meeting Article.

Article 46: Zoning Ordinance Amendment – Chapter 173/By Petition

Robert Priestly, 24 Nutting Road, petitioner was present. Priestly proposed to replace the new reformatted zoning bylaw that was approved at the November 13, 2001 Special Town Meeting with the bylaw that was in effect immediately preceding that Town Meeting. Priestly believed that the Sign Bylaw had been substantially changed from the prior bylaw rather than being only clarified and reformatted. Priestly referenced the 16 errors, omissions, additions and changes he believed were in the reformatted bylaw. Priestly addressed the responses of the Master Plan Implementation Committee. Priestly asked for the support of the Board. Andrea Peraner-Sweet, Chairman of the Planning Board, stated that the Attorney General has until May 12<sup>th</sup> to respond to the reformatted bylaw. Romeo noted that the November edition was made available to the public and that the Master Plan Implementation Committee had a legal advisor. Romeo felt that progress had been made from May to November. Romeo did not want to throw out all the work of the Master Plan Committee. Romeo noted that the Master Plan Committee is responding to Priestly's comments and continuing to refine the document. Leslie Thomas, Master Plan Implementation Committee, stated that the Committee tried to make the document as clear as possible. Thomas stated that the only change in the Sign Bylaw was to the Commercial Special Permit being moved to the Planning Board to be reviewed during Site Plan Review. Peraner-Sweet reported that the Planning Board voted to not support Article 46. Peraner-Sweet reminded the Board that the Planning Board directed the Master Plan Implementation Committee to undertake the task of making the bylaw more user friendly and bring it up to date. Peraner-Sweet stated that the changes were well publicized and that the Master Plan Committee is trying to correct all errors. Ingrid Nilsson, 6 Depot Street, Chairman of the Master Plan Implementation Committee, stated that the language changes were for better understanding and that the document is constantly changing. McCusker stated that he would like to wait for the Attorney General's report and the response to the many letters sent to the Attorney General's office. It was moved by Romeo, seconded by Healy-Coffin, and VOTED 4 IN FAVOR with 1 ABSTAINING (McCusker), to not support Article 46. McCusker abstained until he sees the Attorney General's report.

Ledoux reported that he had meeting this morning with the School Department. The School Committee will be voting on the budget on Monday, April 29, 2002. It was recommended that the Selectmen, School Committee and Finance Committee meet on Wednesday, May 1, 2002 to go over adjustments.

Article 50: Zoning Ordinance Amendment – Growth Management Bylaw/  
Growth Management Bylaw Committee

Peraner-Sweet reported that the Planning Board voted 3-1-1 to support Article 50. Sam Frank, Growth Management Bylaw Committee, outlined the revisions to the Growth Management Bylaw. Romeo was concerned that the bylaw did not contain any updated language regarding affordable housing. Romeo felt that the bylaw puts another impediment in front of affordable housing. Frank stated that the Committee did not look at affordable housing exemptions because they did not have any input or information. Frank suggested making an amendment to

the bylaw on Town Meeting floor. Healy-Coffin asked that if an amendment is made, then language of that amendment be very clear and specific. Chelgren to provide the Board with information regarding the number of building permits that have been grandfathered. It was moved by McCusker, seconded by McKenna, and VOTED UNANIMOUSLY, to support Article 50.

Article 51: Zoning Ordinance Amendment – Growth Management Bylaw/  
Board of Selectmen

Peraner-Sweet reported that the Planning Board voted unanimously to support Article 51. It was moved by McCusker, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to support Article 51.

**Licenses and Permits**

**Change of Manager – Franco American Club – Keith Cobleigh**

Ledoux reported that a satisfactory CORI report has been received. It was moved by Healy-Coffin, seconded by McKenna, and VOTED UNANIMOUSLY, to approve the change of manager to Keith Cobleigh.

**One Day Beer & Wine License – Steven C. Boudreau – Cameron**

**Senior Center – May 11, 2002 from 12:00 p.m. to 6:00 p.m.** – It was moved by Healy-Coffin, seconded by McKenna, and VOTED UNANIMOUSLY, to approve.

**Block Party – Sawmill Drive – June 22, 2002**

It was moved by Healy-Coffin, seconded by McKenna, and VOTED UNANIMOUSLY, to approve.

**Banner Request – Apple Blossom Festival – Week of May 6<sup>th</sup>**

It was moved by Healy-Coffin, seconded by McCusker, and VOTED UNANIMOUSLY, to approve.

**Minutes**

It was moved by Healy-Coffin, seconded by McKenna, and VOTED UNANIMOUSLY, to approve the minutes of March 26, 2002 (Regular Session).

It was moved by Healy-Coffin, seconded by McKenna, and VOTED UNANIMOUSLY, to approve the minutes of March 26, 2002 (Executive Session) but NOT release to the public.

It was moved by Healy-Coffin, seconded by McKenna, and VOTED UNANIMOUSLY, to approve the minutes of March 29, 2002.

**Correspondence**

**Memo from the Board of Health dated April 18, 02 re:** Acceptance of gifts and Raffle Prizes.

Donations from Dr. Norbert Beck, Dr. Tom Schofield, Dr. Phil Lee, Dr. Ron Levenbaum, Dr. Joseph Maloney, Dr. Friedman, Dr. Buxbaum and Dr. Joel Ross for the purchase of new dental chair. It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to accept. McCusker asked that thank you letters from the Board be send to each donor.

Raffle Prizes to be raffled off at the Smoke Free Health and Safety Day on April 28, 2002. It was moved by McKenna, seconded by Romeo, and VOTED UNANIMOUSLY, to accept.

**Motion to Go Into Executive Session**

It was moved by Healy-Coffin, seconded by McKenna, and VOTED UNANIMOUSLY, to go into Executive Session at 10:25 p.m. for the purpose of discussing a potential legal matter regarding the Pacella property. Andrea Peraner-Sweet, Chairman of the Planning Board and John Gannon, Town Counsel, to also attend. A polling of the Board: Jefferies-yes; Healy-Coffin-yes; McKenna-yes; McCusker-yes; Romeo-yes. The Board to reconvene to regular session for the purpose of adjourning.

**Adjournment**

It was moved by Healy-Coffin, seconded by McKenna, and VOTED UNANIMOUSLY, to adjourn the meeting after coming out of Executive Session at 10:40 p.m.

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Steve Ledoux, Town Manager

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Robert Jefferies, Chairman